United Nations S/2006/246

Security Council

Distr.: General
18 April 2006

Original: English

Letter dated 18 April 2006 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 13 April 2006 (S/2006/245) concerning your intention to add China to the list of countries that have agreed to provide military personnel to the United Nations Interim Force in Lebanon has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) **Wang** Guangya
President of the Security Council

06-31407 (E) 190406

United Nations S/2006/247

Security Council

Distr.: General
18 April 2006

Original: English

Letter dated 17 April 2006 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

In accordance with Article 54 of the Charter of the United Nations, I have the honour to forward herewith a statement concerning Iraq issued by the Ministerial Committee of the League of Arab States at its meeting held at the headquarters of the League in Cairo on 12 April 2006 (see annex).

I should be grateful if you would arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Yahya **Mahmassani**
Ambassador

06-31462 (E) 240406 240406

Annex to the letter dated 17 April 2006 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Secretariat of the League of Arab States

Statement concerning Iraq issued by the Ministerial Committee of the League of Arab States

Cairo, 12 April 2006

In implementation of resolution 340 adopted at the summit meeting of the Council of the League of Arab States, held in Khartoum on 29 March 2006 and which called for an urgent meeting of the Ministerial Committee on Iraq to follow up on developments in the situation in Iraq, and of other resolutions adopted by the summit on this subject, and based on consultations between the Secretary-General of the League and Their Excellencies the Ministers members of the Committee, the Ministerial Committee on Iraq held a meeting at the Secretariat of the League on 12 April 2006 under the chairmanship of His Excellency Mr. Mohammad Hussain Al-Shaali, Minister of State for Foreign Affairs of the United Arab Emirates. The meeting was attended by Their Excellencies the Ministers for Foreign Affairs members of the Committee, the Secretary-General of the League, and Dr. Mustafa Osman Ismail, Envoy of the League of Arab States and Representative of the Secretary-General of the League for Iraqi national reconciliation efforts. Iraq did not participate in the meeting.

With a view to the implementation of the aforementioned resolution of the Khartoum Summit, and after discussion of recent developments in the situation in Iraq and review of ongoing regional and international consultations and contacts on this subject, the Committee reached the following conclusions:

1. The Committee expressed its deep regret at the absence from the meeting of Iraq, which had called on the Arab Summit to convene the meeting urgently in order to assist the Iraqi people and to search for ways to provide ongoing Arab political and practical support, bring about Iraqi national reconciliation, and safeguard the national interests of the Iraqi people. In this regard, the Committee decided to leave the meeting open and to follow up with intensified consultations and contacts with the Iraqi Government, in which Iraq was expected to participate, in order to resolve this situation.

2. The Committee reaffirmed its commitment to preserving Iraq's identity as a member of the wider Arab world, which made solidarity with all religious and ethnic constituencies of brotherly Iraq incumbent upon all Arab States, and to working to ensure respect for the unity and sovereignty of Iraq, its complete independence, non-intervention in its internal affairs, and respect for the will of the Iraqi people and their choices for their future, as affirmed by the statements and declarations of all of Iraq's national leaders.

3. The Committee warned against escalation of acts of sectarian violence and practices aimed at stirring up sectarian conflict, and called on all of Iraq's

constituencies, political leaders and religious authorities to confront acts of violence and terrorism, practise self-restraint, and show no tolerance for acts that undermine Iraq's national unity, social fabric, security and stability.

4. The Committee was following with interest the ongoing consultations for the early formation of a Government of national unity, and expressed full confidence in the ability of the Iraqi people to fulfil its responsibilities in forming a Government that would be an expression of its national aspirations.

5. The Committee welcomed the convening of an Iraqi Islamic Reconciliation Conference to be hosted by the Hashemite Kingdom of Jordan on 22 April 2006 in coordination with the Iraqi Government and the League of Arab States.

6. It welcomed the follow-up by the League of Arab States of the final communiqué of the preparatory meeting of the Iraqi National Reconciliation Conference, held at the Secretariat from 19-21 November 2005, and supported the proposal to convene a full Iraqi national reconciliation conference in Baghdad in June 2006. It also supported the convening of the preparatory meetings necessary for creating a climate conducive to the success of the Conference.

7. It welcomed the measures taken by the Secretariat in conjunction with the Iraqi Government to open a mission of the League of Arab States in Baghdad at the end of April 2006.

8. It supported continued consultations among all neighbouring States and continued contacts among all concerned international and regional parties, in particular the United Nations and the Organization of the Islamic Conference, to promote stability in Iraq and to preserve its unity, independence and Arab identity.

United Nations S/2006/248

Security Council

Distr.: General
19 April 2006

Original: English

Letter dated 18 April 2006 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith my third semi-annual report on the implementation of Security Council resolution 1559 (2004), pursuant to the request of the Council, expressed in the presidential statement of 19 October 2004 (S/PRST/2004/36), that I continue to report to it on the implementation of the resolution every six months.

(*Signed*) Kofi A. **Annan**

06-31495 (E) 270406

Third semi-annual report of the Secretary-General to the Security Council on the implementation of Security Council resolution 1559 (2004)

I. Introduction

1. The present report is my third semi-annual report to the Security Council on the implementation of resolution 1559 (2004) of 2 September 2004, pursuant to the Council's request of 19 October 2004 (S/PRST/2004/36) that I continue to report to it on the implementation of the resolution every six months.

2. In its resolution 1559 (2004), the Security Council reiterated its strong support for the territorial integrity, sovereignty and political independence of Lebanon. The Council called upon all parties concerned to cooperate fully and urgently with it for the full implementation of resolution 1559 (2004) and all relevant resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon. It also defined a number of provisions, among them:

(a) The withdrawal of all remaining foreign forces from Lebanon;

(b) The disbanding and disarmament of all Lebanese and non-Lebanese militias;

(c) The extension of the control of the Government of Lebanon over all Lebanese territory;

(d) Strict respect of the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon.

The Council also declared its support for a free and fair electoral process in Lebanon's then upcoming presidential election, conducted according to Lebanese constitutional rules devised without foreign interference or influence.

3. In my last report to the Security Council of 26 October 2006 (S/2005/673), I stated that the parties concerned had made considerable further progress towards the implementation of resolution 1559 (2004). I concluded that a number of operational requirements derived from the resolution had been met, among them the withdrawal of Syrian forces from Lebanon and the conduct of free and fair legislative elections. I also stated that other requirements remained to be implemented, particularly the disbanding and disarming of Lebanese and non-Lebanese militias, the extension of government control throughout all of Lebanon and the full restoration and strict respect for the sovereignty, unity, territorial integrity and political independence of Lebanon, most notably through the establishment of normal diplomatic relations and the demarcation of borders between the Syrian Arab Republic and Lebanon.

4. In its presidential statement of 23 January 2006 (S/PRST/2006/3), the Security Council welcomed my report and reaffirmed its strong support for the sovereignty, territorial integrity, unity and political independence of Lebanon. The Council noted with regret that some of the provisions of resolution 1559 (2004) had yet to be implemented, particularly the disbanding and disarming of Lebanese and non-Lebanese militias and the extension of government control over all Lebanese territory, and free and fair presidential elections conducted according to the Lebanese constitutional rules, without foreign interference and influence. The

Council commended the Lebanese Government for the dialogue it had initiated and for the steps it had taken, and called on it to sustain its efforts to achieve progress on all these issues in accordance with resolution 1559 (2004) and to pursue a broad national dialogue. In addition, the Council called on all other parties concerned, in particular the Government of the Syrian Arab Republic, to cooperate to this end.

II. Background

5. In the six months since my last report of 26 October 2005 (S/2005/673), the situation in Lebanon has remained tense.

6. I note with relief that the number of terrorist attacks and acts of intimidation decreased significantly compared to the previous six-month period. However, a general atmosphere of fear and insecurity continues to prevail. On 12 December 2005, in a deeply deplorable act of terror, Lebanese member of Parliament, editor and journalist Gebrane Tueni was killed along with three others in a car bombing in the suburbs of Beirut. In its presidential statement of 12 December 2005 (S/PRST/2005/61), the Council condemned the attack in the strongest terms, reiterated its deep concern about the impact of such assassinations, as well as its warning to the sponsors of terrorist acts in Lebanon that they would ultimately be held accountable for their crimes. In the statement, the Council also reaffirmed its resolution 1559 (2004) and reiterated once again its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon. I joined in the Council's condemnation of the bombing.

7. In this context, I note that the United Nations International Independent Investigation Commission (UNIIIC) investigating the terrorist assassination of former Lebanese Prime Minister Rafiq Hariri and 22 others in downtown Beirut on 14 February 2005 has continued its work in Lebanon. I also recall that in fulfilment of resolution 1644 (2005) of 15 December 2005, the Commission has extended its technical assistance to the Lebanese authorities with regard to their investigations on the terrorist attacks perpetrated in Lebanon since 1 October 2004.

8. In my last report, I observed that Lebanon was witnessing a momentous transition. I wrote that Lebanon had entered a new phase in its history, a phase that had the potential for the Lebanese to finally leave behind a tragic past, to unite and to shape a new future of self-determination, independence, coexistence and peace. Over the past six months, Lebanon has continued its transition into this new phase of its history, but has also witnessed temporary setbacks, a stark reminder of how fragile the new era continues to be.

9. On 12 December 2005, members of the Amal party and Hizbollah suspended their participation in the cabinet in protest over the request of the Government of Lebanon to the United Nations to create an international tribunal to try suspects in the assassination of former Lebanese Prime Minister Rafiq Hariri. The political process remained deadlocked until the ministers returned to the cabinet on 2 February 2006.

10. Upon the initiative of Speaker of the Lebanese Parliament, Nabih Berri, 14 leaders of the Lebanese factions and parties gathered for the first session of a national dialogue on 2 March 2006. The agenda items of the dialogue were (a) the investigation into the terrorist assassination of former Prime Minister Rafiq Hariri;

(b) the Palestinian issue in Lebanon; (c) Syrian Arab Republic-Lebanon relations; (d) the status of the Shebaa farmlands; (e) the fate of the presidency; and (f) the arms of Hizbollah. A number of agreements were reached on the first four items before the dialogue was adjourned on 3 April.[1]

11. On 10 April, the Lebanese security forces announced that they had issued warrants of arrests for 14 individuals for their apparent intent to carry out terrorist attacks in Lebanon; nine individuals were arrested. The group was alleged to have planned a plot to assassinate Hizbollah Secretary-General Sheikh Hassan Nasrallah.

12. Throughout the reporting period, a tense bilateral relationship has prevailed between the Syrian Arab Republic and Lebanon. There have been mutual accusations in public statements, including against political leaders.

III. Implementation of resolution 1559 (2004)

13. The Lebanese have made further significant progress towards implementing in full all provisions of resolution 1559 (2004), in particular with the agreements reached during the national dialogue. The implementation of the agreements reached at the dialogue urgently necessitates and depends on the cooperation of parties other than the Lebanese themselves for the purpose of the full implementation of resolution 1559 (2004) without delay. The national dialogue has tasked Prime Minister Fouad Seniora to visit Damascus at the earliest opportunity to follow up on the relevant issues that need to be addressed through bilateral dialogue.

14. To date, the provisions of resolution 1559 (2004) calling for the disbanding and disarmament of all Lebanese and non-Lebanese militias, the extension of the control of the Government of Lebanon over all Lebanese territory and strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government have not yet been fully implemented.

A. Withdrawal of foreign forces deployed in Lebanon

15. In my last report, I stated that the requirement of the withdrawal of Syrian troops and military assets had been met. I referred to the possible exception of the Deir al-Ashayr area, the status of which was unclear, and where a Syrian military presence remained. In consequence, I noted the complications that had arisen from the lack of a clearly agreed upon and demarcated border between Lebanon and the Syrian Arab Republic, which highlighted the need for a formal border agreement and demarcation of the frontier between the two countries.

B. Sovereignty, territorial integrity, unity and political independence of Lebanon

16. In my last report, I outlined that the Security Council, by its resolution 1559 (2004), places central emphasis on the sovereignty, territorial integrity, unity and

[1] A copy of the decisions reached at the national dialogue, up until the submission of the present report, is attached, see annex I.

political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout the country. I have continued to assign this matter the highest priority in my efforts to assist with the implementation of the resolution.

17. In my last two reports (S/2005/272 of 26 April 2005 and S/2005/673 of 26 October 2005), I identified a number of elements of particular importance to the restoration of, and strict respect for, the sovereignty, unity and political independence of Lebanon. These were:

(a) The conduct of free and credible parliamentary elections in Lebanon;

(b) The end of the existence and influence of the Syrian intelligence apparatus in Lebanon;

(c) The establishment of mutual diplomatic representations between the Syrian Arab Republic and Lebanon;

(d) The conclusion of a border agreement between Lebanon and the Syrian Arab Republic and the delineation of the border between the two countries;

(e) The cessation of Israeli overflights violating Lebanese territorial integrity.

Free and credible parliamentary elections

18. I concluded in my last report that, despite ongoing and necessary work to ensure the broad freeness and credibility of electoral processes in Lebanon, the operational requirement of free and credible elections derived from resolution 1559 (2004) had been met.

Syrian intelligence apparatus and activity in Lebanon

19. In my last report I noted that the verification mission I dispatched to Lebanon had verified the full and complete withdrawal of Syrian troops and military assets from Lebanon, with the possible exception of the Deir al-Ashayr area. I also noted that the mission had been unable to conclude with certainty that the Syrian intelligence apparatus had been withdrawn entirely. The Government of Lebanon has informed me that it is confident that, by and large, Syrian intelligence has withdrawn, although reports and allegations that there is ongoing Syrian intelligence activity in Lebanon have continued to surface on occasion. The Lebanese Government has also informed me that the process of transition and reorganization within the Lebanese security services is ongoing, and that it has not yet established full control over all services. The Government of the Syrian Arab Republic has denied all allegations that it has any intelligence presence or activity in Lebanon.

Establishment of mutual diplomatic representation

20. In my last report I referred to the continued aspiration of Lebanon and the Syrian Arab Republic to formalize their bilateral relations. I stated my expectation that both Governments would take tangible measures to formalize ties between their countries as sovereign and independent nations prior to the submission of the present report to the Security Council.

21. With regard to the formalization of bilateral relations between the Syrian Arab Republic and Lebanon, on 14 March 2006, at the Lebanese national dialogue, it was decided to put the relationship between the two countries "on the basis of firm and clear principles that would correct any deficiencies that have marred these relations". At the national dialogue it was also agreed, in particular, that each side should exercise control over its borders and that the Government of Lebanon should take the necessary measures towards that end. In addition, it was agreed that the principle of non-intervention by either State in the other's internal affairs should guide bilateral relations and that a relationship of mutual trust and respect should be embodied at the soonest possible date in the establishment of embassy-level diplomatic relations between the two countries. The national dialogue further agreed on the activation of a joint Syrian-Lebanese committee to close the file on missing persons and detainees in the two countries as quickly as possible.

22. I note, and emphasize, that the agreements reached at the national dialogue reflect and reiterate the relevant provisions of the 1989 Charter of National Reconciliation, also known as the Taif Agreement, which was negotiated and concluded by Lebanese political parties and factions under the auspices of the League of Arab States in Taif, Saudi Arabia. The Taif Agreement, which put an end to the prolonged hostilities and the civil war in Lebanon, was ratified by the Lebanese Parliament and endorsed by the Security Council. With regard to Lebanese-Syrian relations, the Taif Agreement stipulated that:

> "Lebanon should not be allowed to constitute a source of threat to Syria's security, and Syria should not be allowed to constitute a source of threat to Lebanon's security under any circumstances. Consequently, Lebanon should not allow itself to become a pathway or a base for any force, state, or organization seeking to undermine its security or Syria's security. Syria, which is eager for Lebanon's security, independence and unity and for harmony among its citizens, should not permit any act that poses a threat to Lebanon's security, independence, and sovereignty."

23. The agreements reached at the national dialogue have not yet been translated into practice. Their implementation, by definition, necessitates and depends on the cooperation between Lebanon and the Syrian Arab Republic. The Government of the Syrian Arab Republic has stated that it considers that "the channels of communication and trade are effectively developed enough to make the opening of embassies unnecessary, although Damascus does not exclude the establishment of diplomatic missions sometime in the future".[2]

24. At the national dialogue, Prime Minister Seniora was tasked with visiting Damascus at the earliest opportunity to follow up on the relevant issues that need to be addressed through bilateral dialogue. However, to date, there have been no further discussions between the Governments of Lebanon and the Syrian Arab

[2] Minister for Foreign Affairs of the Syrian Arab Republic, Walid Muallem, made these public comments on 6 April 2006.

Republic on the issue of the mutual opening of embassies in their respective capitals. Bilateral relations have been tense over the last six months.[3]

Delineation of the border

25. As I stated in my last report, as part of the formalization of ties between the two countries, and in order to guarantee the sovereignty, political independence and territorial unity of Lebanon, there is need for a formal border agreement between the Syrian Arab Republic and Lebanon and the demarcation of that border on the ground. This matter is particularly important given the prevailing uncertainty as to whether the Deir al-Ashayr area, in which a Syrian battalion continues to be stationed, falls onto the Lebanese or the Syrian side of the frontier.

26. The Government of Lebanon and the Lebanese Armed Forces have confirmed to me that there have been further illegal transfers of goods, including arms, which they state are difficult to prevent, as there are a number of villages along the Lebanese-Syrian border that partly fall into one country and partly into the other, and the borderline is not clearly demarcated and physically manifested on the ground. According to the Lebanese Army Command, there are a number of locations with unclear status, and official Lebanese and Syrian maps show discrepancies.

27. In my last report, I referred to a statement to me by Lebanese Prime Minister Seniora that talks between Lebanon and the Syrian Arab Republic on the delineation of the border had recently begun, reviving a dialogue initiated in 1964 and suspended in 1975.

28. In May 2005, a joint Syrian-Lebanese military commission formed to determine if the Deir al-Ashayr area fell into Lebanon or the Syrian Arab Republic found that there was a discrepancy between the two countries' maps. The commission suggested the reactivation of the boundary commission, which had operated until 1975 but had not completed its work, in order to eliminate the existing discrepancy so that the borders could "be unambiguously demarcated and committed to".

29. In September 2005, Lebanese Prime Minister Seniora had sent a letter to the Secretary-General of the Higher Syrian-Lebanese Council, informing him of disputes between Lebanese and Syrian farmers regarding ownership of land along the frontier and suggesting that, in accordance with the joint military commission's recommendation, the joint boundary commission be reactivated. In November 2005, Syrian Prime Minister Muhammad Naji al-Ottri informed his Lebanese counterpart, via the Secretary-General of the Higher Syrian-Lebanese Council, that the Syrian Arab Republic agreed to reactivate the joint boundary commissions, but stipulated a number of conditions. Most significantly, the Syrian Arab Republic proposed the conducting of the process of delineating the joint border in five stages, beginning

[3] For example, on 13 March 2006, a Syrian Penal Court in the First Instance summoned Lebanese Minister of Telecommunications Marwan Hamadeh, member of Parliament Walid Jumblatt and journalist Fares Khashan after a complaint had been filed by the Syrian Attorneys' Syndicate, accusing the three Lebanese of incitement against the national unity of the Syrian Arab Republic. On 14 April 2006, the General Prosecutor of the Syrian military court disclosed publicly that a decision had been taken to pursue legal proceedings against Minister Marwan Hamadeh, members of Parliament Saad Hariri and Walid Jumblatt and journalist Fares Khashan over their statements against the Syrian Arab Republic and for "inciting foreign countries to be hostile to the Syrian Arab Republic and its leaders".

with the sea boundary and land border in the north, before proceeding towards the Deir al-Ashayr/Ersal area. In addition, with reference to the area of the Shebaa farmlands, the Syrian agreement was contingent upon the condition that boundaries in occupied areas would not be demarcated until after the achievement of a just and comprehensive peace agreement.

30. In a letter sent in December 2005, Lebanese Prime Minister Seniora addressed Syrian Prime Minister al-Ottri, expressing his appreciation for the agreement of the Syrian Arab Republic to the demarcation of the border. With reference to the stipulation by the Syrian Arab Republic that the border not be delineated in areas occupied by Israel, Prime Minister Seniora wrote that "it was imperative that a joint mechanism for demarcating the boundaries be established between our brotherly countries in cooperation with the United Nations, because it would contribute to liberating these farmlands from the Israeli occupation". Prime Minister Seniora further proposed a "rapid and comprehensive demarcation that includes the Shebaa farmlands in view of its national importance, which demands speedy joint action to take the necessary practical steps to establish this mechanism in order to complete this important national work at the soonest opportunity". There has been no response or follow-up to that letter.

31. In this context, I note that the status of the Shebaa farmlands has remained under discussion among the Lebanese and in the region. In particular, it is important to note that participants in the Lebanese national dialogue affirmed their support on 14 March 2006 for all contacts undertaken by the Government of Lebanon to "establish the Lebanese identity of the Shebaa farmlands," and to "determine the area's borders in accordance with procedures and principles approved and accepted by the United Nations".

32. As outlined in greater detail in my previous reports, the Security Council has repeatedly reiterated its confirmation that Israel withdraw its forces from all Lebanese territory in fulfilment of Security Council resolution 425 (1978) in 2000, and that it consider the Shebaa farms area to be Israeli-occupied Syrian territory, on the basis of the information regarding the international boundary available to the United Nations in delineating the Blue Line of withdrawal.

33. The United Nations determination of the status of the Shebaa farms is, as I wrote in my reports to the Security Council of 22 May 2000 (S/2000/460) and of 16 June 2000 (S/2000/590 and Corr.1), without prejudice to any internationally recognized border agreement that Lebanon and the Syrian Arab Republic may wish to conclude in the future. Its current status as Israeli-occupied Syrian territory does, however, remain valid unless and until the Governments of Lebanon and the Syrian Arab Republic take steps under international law to alter that status.

34. Lebanon has repeatedly committed, in writing and through public statements such as the one made by Foreign Minister Fawzi Salloukh after a meeting with my Special Envoy for the implementation of Security Council resolution 1559 (2004) in Beirut on 24 March 2006, to respect the Blue Line. In this context, I particularly recall President Émile Lahoud's letter to me of 12 June 2000 (A/54/914-S/2000/564), in which the Lebanese authorities committed to accept and respect the

Blue Line until a border delineation agreement is reached by Lebanon and the Syrian Arab Republic.[4]

35. On the basis of the aforementioned facts, the exchange of letters between the Governments of Lebanon and the Syrian Arab Republic, and the agreements reached at the national dialogue in Lebanon, it appears that there exists a consensus on the general need to delineate the Lebanese-Syrian border. There also appears to be agreement among the Lebanese that the Shebaa farmlands area is to be considered Lebanese territory.[5] Representatives of the Syrian Arab Republic have repeatedly made public statements to the effect that the Syrian Arab Republic agrees in principle with the notion that the Shebaa farms are Lebanese territory.[6]

36. In consequence, the onus is therefore on the Governments of Lebanon and the Syrian Arab Republic to move speedily towards the conclusion of a border agreement that reflects the consensus that appears to exist. The Lebanese have emphasized their willingness to do so both at the recent national dialogue and through Prime Minister Seniora's initiative and in his repeated statements. I expect the cooperation of the Syrian Arab Republic on this matter.

37. As I have stated previously, the conclusion of a border delineation agreement would represent a tangible and significant step towards formalizing the relations between the two countries and towards reaffirming Lebanon's sovereignty, territorial integrity and political independence. While the negotiation and conclusion of such a border agreement is the exclusive prerogative of the two countries, discussions should focus particularly on areas the status of which is uncertain or disputed, without prejudice to their status as areas occupied by a third party and subject to Security Council resolutions 242 (1967) and 338 (1973).

Israeli overflights violating Lebanese territorial integrity

38. Since my last report, Lebanese territorial integrity has continued to be regularly violated by Israeli aircraft flying into Lebanese airspace. The Government of Israel has continued to maintain its claim that these overflights are carried out for

[4] In his letter to me dated 12 June 2000 (S/2000/564), Lebanese President Lahoud outlined Lebanon's position regarding the Blue Line and wrote: "In connection with the Shebaa farmlands, it is clear from the report of the Secretary-General that a de facto line has been adopted for the area in light of the fact that there are no old maps that can confirm the boundary between Lebanon and the Syrian Arab Republic. Accordingly, the de facto line is the line separating the areas of operation of UNIFIL and UNDOF, while the United Nations notes that this line can in no way be regarded as affecting the rights of the parties concerned with respect to their international boundaries. Lebanon has accepted this assessment until such time as a joint formula for the farmlands area can be agreed by Lebanon and Syria for submission to the United Nations".

[5] See my reports to the Security Council of 22 May 2000 (S/2000/460) and 16 June 2000 (S/2000/590 and Corr.1), and the Security Council's presidential statements of 23 May 2000 (S/PRST/2000/18) and 18 June 2000 (S/PRST/2000/21).

[6] I recall Syrian Vice-President Sharaa's statements to the press after his meeting with Egyptian President Mubarak in Sharm el-Sheikh on 23 March 2006 and President Assad's statement in an interview with the French newspaper *Le Figaro*, published on 23 June 2001, in which President Assad was quoted as saying: "According to international law, it is up to the bordering States concerned to identify the status (*appartenance*) of a territory. Once that discussion is completed, an accord must be registered with the international authorities. In the case of Shebaa, this is the strict responsibility of the Syrian Arab Republic and Lebanon. As for third parties that take a position on the 'nationality' of Shebaa, they have no such competency."

security reasons. Along with my representatives in the region, I have regularly continued to reiterate our call on Israel to cease these overflights, which stand in contradiction to Security Council resolutions 425 (1978) and 426 (1978) and to my efforts to assist with the full implementation of resolution 1559 (2004). During one particular period in November 2005, as I have reported elsewhere,[7] overflights were numerous and particularly intrusive and provocative, although their number decreased thereafter.

C. Extension of the control of the Government of Lebanon over all Lebanese territory

39. In my previous report to the Security Council, I stated that over the preceding six months, there had again been incidents underlining that the Government of Lebanon does not yet fully exert control over all of its territory. This has remained the case during the period of the past six months.

40. In this context, I note that the primary factors impeding the extension of Lebanese Government control over all of Lebanon's territory are the existence of armed groups outside the control of the Lebanese Government and uncertainty over the exact boundaries of the Lebanese territory. Timely implementation of tangible measures towards the disarming and disbanding of Lebanese and non-Lebanese militias and towards the delineation of the border between the Syrian Arab Republic and Lebanon will be an important step towards the extension of the Government's control over all its territory.

41. I also recall in this context two provisions of the 1989 Taif Agreement, which ended the civil war after a dialogue among the Lebanese. Firstly, the Taif Agreement stipulated that Lebanon would take "all the necessary steps to liberate all Lebanese territories from the Israeli occupation, to spread State sovereignty over all of Lebanon's territory and to deploy the Lebanese army in the border area adjacent to Israel". Secondly, the Taif Agreement stipulated the disbanding and disarming of all Lebanese and non-Lebanese militia as a measure related to the broader provision that "considering that all Lebanese factions have agreed to the establishment of a strong State founded on the basis of national accord, the national accord Government shall draft a detailed one-year plan whose objective is to spread the sovereignty of the State of Lebanon over all Lebanese territories gradually with the State's own forces".

42. As I have described elsewhere in more detail,[7] the authority and control of the Government of Lebanon has remained limited in the south of the country in general, and in the areas of the Blue Line in particular, over the past six months. Regrettably, the Lebanese Army continues to operate at a distance from the Blue Line. Control of the Blue Line and its vicinity seems to remain for the most part with Hizbollah. Under such circumstances, Hizbollah has maintained and reinforced a visible presence in the area, with permanent observation posts, temporary checkpoints and patrols; some of its positions are in close proximity to United Nations positions. This presence stands in contradiction to the provisions of the Taif Agreement as well as to Security Council resolutions 425 (1978), 426 (1978) and 1559 (2004).

[7] See S/2006/26.

43. My discussions and those of my representatives on the extension of the authority of the Government of Lebanon in the South have continued. To date, there has been no further progress on this issue. The Lebanese Army Command has informed me that it faces no operational constraints in creating a presence in the South and along the Blue Line, but that has not received political instructions to take such action.

44. A number of serious incidents have emphasized the necessity for the Government of Lebanon, through its regular security and armed forces, to extend its control over all of its territory in order to maintain quiet along the Blue Line. The Government of Lebanon, as the sole legitimate authority vested with a monopoly on the use of force throughout its territory, must do more to exercise its control accordingly.

45. In its resolution 1655 (2006) of 31 January 2006, the Security Council yet again referred to the urgent need for the Lebanese Government to fully extend its authority and exert its control and monopoly over the use of force throughout its territory. The Council reiterated its call upon the Government of Lebanon to fully extend and exercise its sole and effective authority throughout the South and urged it to do more to assert its authority in the South and to exert its control and monopoly over the use of force and to maintain law and order on its entire territory and to prevent attacks from Lebanon across the Blue Line, including through deploying additional numbers of Lebanese Armed Forces and Internal Security Forces, taking up the proposals of the United Nations Interim Force in Lebanon (UNIFIL) to enhance coordination between those forces and UNIFIL on the ground and to establish a joint planning cell.

46. In my last report, I observed that the Lebanese Armed Forces now had to show that they can maintain effective security throughout the country. I stated that I had taken note of the recent increased presence and engagement of the Lebanese Armed Forces in areas where there are armed Palestinian groups, and that such steps were positive measures towards the extension of the control of the Government of Lebanon over all of its territory and the exercise of its monopoly on the use of force throughout its territory. I further stated that I was encouraged by the commitment made to me by Prime Minister Seniora's Government that it will seek to assert its monopoly on the use of force and exert its control throughout all Lebanese territory through a national dialogue with all relevant parties. I also referred to an increased deployment of the Lebanese Armed Forces along the border with the Syrian Arab Republic for the purpose of halting the illegal transfer of arms and people, and an increased presence of the Lebanese Armed Forces around positions of armed Palestinian groups to the south of Beirut and in the Beqaa Valley.

47. Over the past six months, there have been renewed incidents of arms transfers across the Syrian-Lebanese border into Lebanon, which the Government of Lebanon and the Lebanese Armed Forces have confirmed to my Special Envoy, in contradiction to resolution 1559 (2004), which stipulates the disarming and disbanding of Lebanese and non-Lebanese militias.

48. On 14 February 2006, the Lebanese Army Command stated it was "taking steps to close all illegal border crossings". It further stated that the coastline was also under surveillance in an attempt to stop smuggling and that the army had established its control over most of the sea and land crossings into Lebanon. The Lebanese Army Command has also stated to my Special Envoy that its control over

the border with the Syrian Arab Republic has been strengthened, with the deployment of additional troops and the installation of new checkpoints. It has further stated that all unofficial roads across the border have been closed. The Army Command has acknowledged that it cannot yet guarantee fully effective border control, but it has affirmed that its capacity is gradually increasing and that it has the will to establish its effective control over the borders of Lebanon. Both the Government of Lebanon and the Army Command have confirmed to my Special Envoy that a political decision to prevent all further arms trafficking across the Syrian-Lebanese border has been taken and is being enforced to the best of the ability of the Lebanese Armed Forces. They have also stated to my Special Envoy that in order to establish tight control over the border between Lebanon and the Syrian Arab Republic, there needs to be a sufficient degree of cooperation from the Syrian Arab Republic. The Lebanese Army Command has further stated to my Special Envoy that all future cases of arms transfers within the country will be subject to the direct decision of Prime Minister Seniora. To date there have been no additional cases of arms trafficking.

D. Disbanding and disarmament of Lebanese and non-Lebanese militias

49. As I have previously reported, Lebanese and non-Lebanese militias continue to exist and operate within Lebanon and to challenge the Government, which by definition is vested with a monopoly on the use of force throughout its territory. The most significant Lebanese militia is Hizbollah. There are also Palestinian militias in Lebanon. In addition to the direct call in Security Council resolution 1559 (2004) for the disarming and disbanding of Lebanese and non-Lebanese militias in Lebanon, I observed in my last report that, more broadly, the existence of armed groups defying the control of the legitimate Government is incompatible with the restoration and full respect of the sovereignty, territorial integrity, unity and political independence of the country. The existence of militias also impedes the extension of the Government of Lebanon's control over all of its territory.

50. I have previously recalled the 1989 Taif Agreement, or the Charter of National Reconciliation, as it is also known. The Agreement stipulated, in full consistency with resolution 1559 (2004), that "the disbanding of all Lebanese and non-Lebanese militias shall be announced. The militias' weapons shall be delivered to the Government of Lebanon within a period of six months, beginning with the approval of "the Charter. My representatives and I are concerned with these matters, and we have repeatedly emphasized that the Taif Agreement, which was concluded as the result of a consensus among all Lebanese factions and parties, should be implemented in full, and that resolution 1559 (2004) needs to be seen as an expression of the United Nations support for the agreement.

51. In this context, I recall that the members of the Security Council, in presidential statements released on 7 November 1989 (S/20953), 22 November 1989 (S/20988) and 27 December 1989 (S/21056) and in reiteration of earlier statements in support of the talks in Taif, welcomed the ratification of the Taif Agreement by the Lebanese Parliament on 5 November 1989, and "solemnly reaffirmed their support for the Taif Agreement", which they viewed as "the only basis for guaranteeing the full sovereignty, independence, territorial integrity and unity of Lebanon".

Palestinian militias

52. In my last report, I stated that I had taken note of the Government of Lebanon's assurance that there was no need for weapons outside the Palestinian refugee camps. The recent national dialogue in Lebanon affirmed this statement, deciding unanimously on 14 March 2006 that Palestinians outside the camps should be disarmed within a six-month period and that the problem of arms inside the camps should be dealt with, while stressing the responsibility and commitment of Lebanon to protect the Palestinian camps on its territory from any aggression. The national dialogue also decided that the Government of Lebanon should follow up on its efforts to improve the conditions of Palestinians living both inside and outside refugee camps in Lebanon.

53. On 24 March 2006, a ministerial delegation was dispatched on an unprecedented visit to a number of Palestinian refugee camps in Tyre, where the delegation met with Palestinian representatives and inspected living conditions inside the camps. A second such visit, to the Ein al-Hilweh camp, had to be postponed, apparently because of the internal divisions among the different Palestinian groups. The Government of Lebanon has told me that further visits are anticipated.

54. Prior to the agreement on the above issue at the national dialogue, the Government of Lebanon had continued its measures to limit the existence of Palestinian arms outside the refugee camps, intensifying its presence around Palestinian paramilitary positions to the south of Beirut and in the Beqaa Valley, which are predominantly manned by the groups Popular Front for the Liberation of Palestine-General Command (PFLP-GC) and Fatah-Intifada, the headquarters of which are in the Syrian Arab Republic.[8] I note the assurance of the Lebanese Army Command that it has the capacity to collect the arms of Palestinian militias if and when a political decision to that effect is taken.[9]

55. In response to the agreements reached during the Lebanese national dialogue, leaders of the PFLP-GC, who had repeatedly rejected any disarmament of the group in the past, have recently begun voicing their readiness to put their arms under the State's authority and to coordinate with the Government of Lebanon to devise joint policies. I welcome these statements and expect that they will be matched by action to this effect. In this context, I took note of the visit of PFLP-GC leader Ahmad Jibreel to Lebanon on 1 April, and his talks there with political leaders mandated by the national dialogue, Prime Minister Seniora, Speaker Berri, member of Parliament Hariri and Hizbollah Secretary-General Sheikh Nasrallah.

[8] The Lebanese Army Command told my Special Envoy that over the past months, the Lebanese Armed Forces have established a total of 17 new positions in the vicinity of Palestinian positions outside Palestinian refugee camps, deploying a total of 400 troops.

[9] In an incident that underlined the need to end the presence of arms in the hands of groups outside the control of the Government, two Lebanese policemen were shot and wounded by members of the PFLP-GC while on patrol outside the group's fortified base in Naameh, south of Beirut, on 10 January 2006. The PFLP-GC later handed over to the authorities the member of the group who had opened fire. The Palestinian Authority, which represents Palestinians in the West Bank and Gaza Strip, condemned the incident and reiterated its belief that Palestinians in Lebanon were subject to and had to respect Lebanese laws, also stating that it regarded such incidents as harmful to the Palestinian cause and to Lebanese-Palestinian relations.

56. Fatah, the largest Palestinian faction in Lebanon, announced on 19 March 2006, five days after the presentation of the agreement, at the national dialogue, on the issues of Palestinian arms in Lebanon, that it had "decided to collect all the weapons we possess, including individual arms, and put them in secure places (inside the camps), in accordance with the wishes of the inter-Lebanese dialogue conference". I warmly welcome and commend these statements and expect timely follow-up to turn them into reality, as a first step towards the full disarmament and disbanding of all militias in Lebanon.

57. I have continued to maintain close contact with the leadership of the Palestine Liberation Organization (PLO) and the Palestinian Authority, which, through PLO Chairman and the President of the Palestinian Authority, Mahmoud Abbas, have reiterated to me their support for the full implementation of all provisions of resolution 1559 (2004). In this context, I note the marked difference in the stated willingness to cooperate with the Government of Lebanon for the purpose of the full implementation of resolution 1559 (2004) between Palestinian groups under the direct authority of PLO and those groups that are headquartered in Damascus and do not accept PLO as the sole legitimate representative of the Palestinian people.

58. Chairman Abbas has stated to me that PLO is committed to cooperate with the Government of Lebanon for the purpose of implementing resolution 1559 (2004), but does not have full authority over all Palestinian groups in Lebanon. Chairman Abbas has further informed me that PLO is seeking the re-opening of its representative office in Beirut in order to be able to better assist and cooperate with the Government of Lebanon.

59. In this context, I note and commend the decision of the Lebanese Council of Ministers on 5 January 2006 to re-open the representative office of PLO in Beirut, in reaction to the request of PLO to establish a diplomatic mission in Beirut, which I referred to in my last report (S/2005/673). Chairman Abbas has stated to me that PLO is in the process of designating a representative to head the office. I look forward to the early opening of the PLO diplomatic representation in Beirut.

Hizbollah

60. As yet there has been no noticeable change in the operational status and capabilities of Hizbollah. The issue of the arms of the organization has been included on the agenda of the Lebanese national dialogue, which has been adjourned until 28 April 2006. The item has not yet been discussed.

61. I recall my observation in my last report to the Security Council that a group engaged in the democratic political process of opinion formation and decision-making cannot simultaneously possess an autonomous armed operational capacity outside the authority of the State. I also recall that in implementing the 1989 Taif Agreement, the majority of Lebanese militias merged into the Lebanese Armed Forces during the 1990s, in accordance with the Taif Agreement's provision that the "disbanding of all Lebanese and non-Lebanese militias shall be announced," and that "the militias' weapons shall be delivered to the Government of Lebanon within a period of six months", beginning with the ratification of the Agreement.

62. In that context, I note the statement of the Lebanese Army Command to me that the integration of Hizbollah into the Armed Forces does not pose problems from an operational point of view if and when such a decision is taken. In this context, I

also recall my statement in my last report to the Council that Hizbollah's inclusion, for the first time, in the Government underlined the significance of its possible transformation into solely a political party. I also reiterate my belief that the carrying of arms outside the official armed forces is impossible to reconcile with the participation in power and in government in a democracy.

63. In addition, I note that the leaders of most Lebanese political factions have stated to me that they view with favour the eventual integration of Hizbollah into the Lebanese Armed Forces. Lebanese political leaders have also frequently reaffirmed their commitment to the full implementation of the 1989 Taif Agreement.

64. I was concerned when I was informed in February 2006 of an incident, in which arms destined for Hizbollah had been transferred from the Syrian Arab Republic into Lebanon. Twelve trucks carrying ammunitions and weapons of various kinds, including Katyusha rockets, crossed the border from the Syrian Arab Republic. Discovered a few days later at a checkpoint inside Lebanon, the trucks were allowed to continue their journey towards their destination in south Lebanon. A statement released by the Lebanese Armed Forces following the incident on 6 February 2006 indicated that transportation and storage of ammunition belonging to the "resistance", once inside Lebanon, were subject to the ministerial policy statement of the current Lebanese Government, which considered the "resistance" to be legitimate. As the Government of Lebanon has confirmed, the Lebanese Armed Forces has thus not been authorized to prevent further movement of the ammunitions, which had been a common practice for more than 15 years. Hizbollah publicly confirmed that the arms were destined for the group. The Government of Lebanon and the Lebanese Army Command have informed my Special Envoy that further cases of arms transfers would be subject to the direct decision of Prime Minister Seniora and that no further transfers of ammunitions and weapons have occurred since this incident.

65. Hizbollah continues to justify its existence as a "resistance" movement by Israel's ongoing occupation of the Shebaa farms area, which the United Nations has determined to be Israeli-occupied Syrian territory and which many Lebanese continue to assert is Lebanese.[10] I also reiterate my determination, made in my last report to the Council, that even if the Lebanese claim to the Shebaa farms area were legitimate, it would be the responsibility of the Government of Lebanon only to address this claim in conformity with international law and relevant Security Council resolutions, and not that of an armed group outside the control of the Government.

66. It is noteworthy, however, that Hizbollah, through its participation in the national dialogue, has agreed to support for all contacts undertaken by the Government of Lebanon to "establish the Lebanese identity of the Shebaa farmlands," and "to determine the area's borders in accordance with procedures and principles approved and accepted by the United Nations". Hizbollah's agreement implies that it recognizes that a process pursued by the Government of Lebanon to achieve, through due process, the delineation of the border between the Syrian Arab

[10] In paras. 31-37 above, I have outlined in more detail the Security Council's repeated determination that the Shebaa farmlands, until such time that a border delineation agreement is concluded, through due process, between Lebanon and the Syrian Arab Republic and is deposited with the United Nations, cannot be considered Lebanese land, but continues to be defined as Israeli-occupied Syrian territory.

Republic and Lebanon is the sole and exclusive legitimate pathway to restore Lebanese sovereignty over the Shebaa farms.

67. It is also particularly noteworthy that Hizbollah has embraced the national dialogue and is, through its participation in the round table and its agreement to its agenda, willing to discuss the issue of its arms. It is worth emphasizing that Hizbollah Secretary-General Sheikh Nasrallah was one of the Lebanese leaders promoting the idea of a national dialogue among the Lebanese, which would be based on the Taif Agreement. I have further taken positive note of repeated statements by Hizbollah leaders that indicate their willingness to disarm through design of, and Hizbollah's integration into, a broad national defence strategy mechanism for the protection of Lebanon. These are commendable developments.

68. In this context, I note again that a dialogue with parties other than the Lebanese authorities is indispensable in order to realize the implementation of the mandate contained in resolution 1559 (2004) to disarm and disband all Lebanese and non-Lebanese militias.[11]

E. Presidential election process

69. In resolution 1559 (2004), the Security Council declared its support for a free and fair electoral process in Lebanon's then upcoming presidential election conducted according to Lebanese constitutional rules devised without foreign interference or influence.

70. In my report to the Security Council of 1 October 2004 (S/2004/777), I recalled the process whereby President Lahoud's term of office was extended by three years on 4 September 2004. In its presidential statement of 23 January 2006 (S/PRST/2006/3), the Security Council noted with regret that provisions of resolution 1559 (2004) had yet to be implemented, mentioning in particular free and fair presidential elections conducted according to the Lebanese constitutional rules, without foreign interference and influence.

71. The national dialogue in Lebanon decided on 14 March 2006 on the need for discussion of the subject of the presidency of the Lebanese Republic in order to deal with the crisis of the current Government. The issue was adjourned until the dialogue reconvenes on 28 April 2006. The issue of the presidential election process

[11] Hizbollah maintains close ties, with frequent contacts and regular communication, with the Syrian Arab Republic and the Islamic Republic of Iran. In this context, in particular, I have taken note of statements by senior officials of the Syrian Arab Republic urging a continuation of the "resistance", for example, by the President of the Syrian Arab Republic during his press conference with the visiting President of Iran in Damascus on 19 January 2006, or by the Foreign Minister of Syria in an interview with the Lebanese daily *As-Safir*, published on 28 March 2006.

has figured very prominently on the agenda in Lebanon over the past six months.[12] Several hundreds of thousands of Lebanese commemorated on 14 February 2006 the first anniversary of the assassination of former Prime Minister Hariri and 22 others in downtown Beirut. Several political leaders addressing the rally attacked President Lahoud and called for his resignation. A number of sessions of the Council of Ministers were cancelled or postponed, or suffered from a lack of quorum due to controversies over the role and presence of President Lahoud.

IV. Observations

72. Since my last report to the Council of 26 October 2005 (S/2005/673), the Lebanese have made further significant progress towards implementing in full all provisions of resolution 1559 (2004), in particular with the agreements reached in the national dialogue. However, the provisions of resolution 1559 (2004) calling for the disbanding and disarmament of all Lebanese and non-Lebanese militias, the extension of the control of the Government of Lebanon over all Lebanese territory, and strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government have not yet been fully implemented. There has not been a presidential election process, as called for in the resolution and the Security Council presidential statement of 23 January 2006 (S/PRST/2006/3).

[12] On 20 February, 13 current members and one former member of the Lebanese Parliament submitted a motion to Speaker Berri, asserting that they had been subjected to pressures and threats from the Syrian and Lebanese security services to compel them to ratify the draft law extending President Lahoud's term in office. The members of Parliament further claimed that, as a result of the fact that their vote had been tarnished by a basic lack of free will, they viewed the entire voting process related to the constitutional amendment extending the President's term as null and void, and that, since their votes in favour of the extension had been induced under duress and were therefore to be considered null and void, the law amending the Lebanese constitution was invalid, not technically having received the constitutionally mandated two-thirds majority vote. In conclusion, the members of Parliament requested Speaker Berri to take the necessary constitutional measures to deal with the outcome of the process they considered invalid. The members of Parliament submitted a copy of their motion to me (see annex II). During a visit to Beirut, my Special Envoy for the implementation of Security Council resolution 1559 (2004) met, on my behalf, with 11 out of the 14 members of Parliament who had submitted the motion to Speaker Berri (three were out of the country and therefore unable to attend the meeting). In the meeting, the parliamentarians recounted in detail their individual experiences in relation to the vote extending President Lahoud's term in office. The vast majority of the members of Parliament asserted that they had received direct instructions from the Syrian military intelligence in Lebanon. These instructions were allegedly conveyed by the chief of Syrian military intelligence in Lebanon, General Rustom Ghazaleh, and/or by the chief of Syrian intelligence's Beirut branch, Muhammad Khallouf, either in meetings held in the Syrian intelligence headquarters in Lebanon at Anjar, or the intelligence headquarters in Beirut, Beau Rivage, or by telephone.

The vast majority of parliamentarians claimed that they had been told that a decision had been taken that President Lahoud's term was to be extended, and that they had to act in accordance with this decision. They had also been told that failure to comply with the decision might jeopardize Lebanon's security and stability, and that they might put their personal security at risk. A number of parliamentarians further recounted conversations with former Prime Minister Hariri, who had confirmed the instructions and, when doing so, had referred to endangerment of his own life if the extension did not pass successfully in Parliament. The Government of the Syrian Arab Republic has strongly denied all these allegations.

73. Lebanon has continued its journey into a new era of its history. Yet the new Lebanon is still fragile. There is urgent need to take tangible measures in order to retain the momentum and maintain Lebanon's progress towards full reaffirmation of its sovereignty, territorial integrity, unity and political independence, consistent with the 1989 Taif Agreement and resolution 1559 (2004).

74. In particular, the implementation of the agreements reached in the national dialogue now urgently necessitates and depends on the cooperation of parties other than the Lebanese themselves for the full implementation of resolution 1559 (2004). I emphasize that resolution 1559 (2004) explicitly calls on all parties concerned to cooperate fully and urgently with the Security Council for the full implementation of this and all relevant resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon, and that the Security Council, in its presidential statement of 23 January 2006 (S/PRST/2006/3), called on all other parties concerned, in particular the Government of the Syrian Arab Republic, to cooperate in the implementation of resolution 1559 (2004).

75. With the agreements unanimously reached in the national dialogue and their initiative to work proactively and constructively with the Syrian Arab Republic, a united Lebanon has offered an outstretched hand to the Syrian Arab Republic. I call on the Syrian Arab Republic to accept this offer and to undertake measures, in particular, to establish embassies and delineate the border between the Syrian Arab Republic and Lebanon. Diplomatic representation in other States and the existence and clear delineation of national boundaries are basic indicators and intrinsic elements of the sovereignty, territorial integrity and political independence of any State. Mutual diplomatic representation is also the most appropriate way to address any bilateral tension that may exist, and steps undertaken towards this end would further contribute in their own right to improving the bilateral relationship between the two historically close neighbours. The establishment and use of embassies is an essential tool to ease tensions and secure stability in the relations between States. I therefore reiterate my urgent call on Syria to cooperate with Lebanon for the purpose of establishing embassies, of delineating the border between the countries and of undertaking any other measure towards the full implementation of resolution 1559 (2004).

76. I have outlined that the delineation of the border between the Syrian Arab Republic and Lebanon is an element of crucial importance to a number of explicit operational requirements of resolution 1559 (2004), which places central emphasis on the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon. In particular, territorial integrity of, and sovereignty over, a particular territory is impossible to achieve if the borders of that territory are undefined, uncertain or disputed. In addition, the explicit mandate contained in resolution 1559 (2004) for Lebanon to extend its governmental authority over all of its territory can be realized only if the Government of Lebanon and all other relevant parties know what the entirety of the territory of Lebanon is, with its exact boundaries determined and delineated. The timely implementation of tangible measures towards the delineation of the border between the Syrian Arab Republic and Lebanon, as well as towards the disarming and disbanding of Lebanese and non-Lebanese militias, is an important step towards the extension of Government control over all its territory.

77. Noting that repeated statements by representatives of the Government of the Syrian Arab Republic that the Shabaa farms area is Lebanese and not (Israeli-occupied) Syrian territory, as determined by the United Nations on the basis of the so-called Blue Line, I reiterate my previous caveat that the United Nations determination of the status of the Shabaa farms is without prejudice to any border delineation agreement the Syrian Arab Republic and Lebanon conclude. On the contrary, given the apparent agreement between all relevant parties, I repeat my call on the Governments of the Syrian Arab Republic and Lebanon to take steps urgently under international law to delineate their border. The conclusion of such a border agreement would represent, as I have stated previously, a tangible and significant step towards formalizing relations between the two countries, towards reaffirming Lebanon's sovereignty, territorial integrity and political independence and the full implementation of all provisions of resolution 1559 (2004). Its current status as Israeli-occupied Syrian territory does, however, remain valid unless and until the Governments of Lebanon and the Syrian Arab Republic take steps under international law to alter that status.

78. I also emphasize again that while the negotiation and conclusion of a border delineation agreement is the exclusive prerogative of the Syrian Arab Republic and Lebanon, discussions should focus particularly and urgently on those areas, the status of which is uncertain or disputed, without prejudice to their status as occupied by a third party and subject to Security Council resolutions 242 (1967) and 338 (1973).

79. I have previously observed that the existence of armed groups defying the control of the legitimate Government, which by definition is vested with a monopoly on the use of force throughout its territory, is incompatible with the restoration and full respect of the sovereignty, territorial integrity, unity and political independence of the country. I have also previously recalled that the 1989 Taif Agreement, in full consistency with resolution 1559 (2004) on this matter, calls for the disbanding of all Lebanese and non-Lebanese militias and the delivery of their weapons to the Government of Lebanon. In putting forward an urgent call for the full implementation of the 1989 Taif Agreement, which was endorsed by the Security Council in a number of presidential statements issued in 1989, I call for the urgent and full implementation of all provisions of resolution 1559 (2004).

80. I further recall the Security Council's expression of concern over movements of arms and people into Lebanese territory and its commendation of the Government of Lebanon's taking of measures against such movements in the Council presidential statement of 23 January 2006 (S/PRST/2006/3). I also join and reiterate with urgency the Security Council's call in the same statement on the Government of the Syrian Arab Republic to take similar measures, and note again that timely implementation of tangible measures to delineate in full the border between the Syrian Arab Republic and Lebanon will be an important step towards preventing any illegal traffic from crossing the border and towards extending the control of the Government of Lebanon over all its territory.

81. The national dialogue in Lebanon is a truly historic and unprecedented event. Its significance as the first-ever truly national dialogue in Lebanon, without any third-party presence, is not to be underestimated. This is the first time that the Lebanese have come together in this manner to talk frankly with one another about issues that only a few months ago were considered taboo. This is remarkable, an

outstanding achievement in its own right, and I commend Speaker Berri for his initiation of the national dialogue. I also note, and emphasize, that the convening of the national dialogue followed, and stands in full accordance with, my own and the Security Council's calls for continued national dialogue, as expressed in my last report to the Council and in the Council presidential statement of 23 January 2006 (S/PRST/2006/3).

82. The national dialogue has already achieved important agreements, which are in full conformity with the Taif Agreement and resolution 1559 (2004). As I have stated above, there is an urgent need now to build on the existing momentum and turn the agreements reached into practical reality. To that end, dialogue and partnership are necessary between the Lebanese and the Syrian Arab Republic, and cooperation by all sides is indispensable.

83. The agreement reached in the national dialogue on the arms of Palestinian militias outside Palestinian refugee camps is a tremendously significant and important step towards the implementation of resolution 1559 (2004). Emphasizing that this historical agreement is in full conformity with the Taif Agreement and resolution 1559 (2004), I call for its implementation within the six-month period stipulated by the national dialogue. I commend the Lebanese, and particularly Prime Minister Seniora for his wise and farsighted initiative and approach, which seeks to address not just the issue of the Palestinian arms, but also the living conditions and status of Palestinian refugees in Lebanon, without prejudice to an eventual overall resolution of the Palestinian refugee problem. I call on all parties to support the implementation of the agreement reached and of Lebanese efforts to address the socio-economic conditions of Palestinians in Lebanon.

84. It is my hope that the national dialogue will address the remaining issues on its agenda with equal farsightedness and equal determination to succeed, guided by the Taif Agreement, in order to reach a consensus that will further the full and timely implementation of all provisions of resolution 1559 (2004). The dialogue is scheduled to reconvene on 28 April 2006. I wish to reiterate and underline my strong support for the national dialogue, which has the full backing of the international community.

85. I also recall that it is a central element of the reaffirmation of the sovereignty, unity and political independence of any country, and an important step towards the extension of the control of any Government over all of its territory, that armed groups outside the authority of the Government be brought under its control. In this context, I recall that in implementing the Taif Agreement, the majority of Lebanese militias merged into the Lebanese Armed Forces during the 1990s.

86. Against this background, I call for similar steps to be taken with regard to the remaining Lebanese militias, in fulfilment of both the Taif Agreement and resolution 1559 (2004), with particular attention paid to the formulation of a comprehensive national defence mechanism that would guarantee the adequate protection of Lebanon, its territory and its population. I also urgently call on all parties who have the ability to influence Hizbollah and other militias to support the full implementation of resolution 1559 (2004).

87. I observe that the implementation of resolution 1559 (2004) is part of a wider process of historical transformation, which also encompasses the investigations into the terrorist assassination of former Prime Minister Hariri and 22 others in

downtown Beirut and into other acts of assassination and terror in Lebanon over the past period, the ongoing work to reform electoral processes in Lebanon more broadly and the ongoing preparations and subsequent implementation of economic reforms. I call on all parties to support this wider process of transformation in Lebanon, in the best interest of the Lebanese, the neighbouring States and the stability of the region, and to urgently take all enabling measures to this end.

88. In conclusion, I reiterate my urgent appeal to all parties concerned to comply with all requirements of resolution 1559 (2004) without delay and fully implement this and all other resolutions related to the restoration of the territorial integrity, full sovereignty and political independence of Lebanon.

89. I continue to believe that the implementation of resolution 1559 (2004) should proceed in a way that would best ensure the stability and unity of Lebanon, the Syrian Arab Republic, and the wider region. I also remain committed to the implementation of all Security Council resolutions and the ultimate achievement of a just, lasting and comprehensive peace in the Middle East.

90. It is my strong belief that with the continued support of the Security Council, the national dialogue, the unity of the Lebanese and the farsighted leadership of the Government of Lebanon, as well as the necessary cooperation of all other relevant parties, including the Syrian Arab Republic and the Islamic Republic of Iran, the difficulties of the past can be overcome and significant headway made towards the full implementation of resolution 1559 (2004). I remain at the disposal of the Security Council and stand ready to continue to assist the parties in the full implementation of the resolution.

Annex I

Decisions of the Lebanese National Dialogue

(14 March 2006)

[Original: Arabic]

The Lebanese Republic

The Parliament

Decisions of the Lebanese Dialogue Conference

1. **The question of finding the truth and its ramifications**

The conferees decided on the first agenda item at the opening of the dialogue on 2 March 2006:

- The International Independent Investigation Commission
- The international tribunal
- Expansion of the mandate of the Investigation Commission.

The following agenda items were decided on 14 March 2006:

2. **The Palestinian issue**

In keeping with the section of the Charter of National Reconciliation (the Taif Agreement) entitled "Reinstating the sovereignty of the Lebanese State over the entire Lebanese Land" and in compliance with the contents thereof, affirming the need for Palestinians to respect the authority of the State and to comply with its laws, and rejecting resettlement and supporting the right of return for Palestinians, the conferees agreed on the following:

- To urge the Lebanese Government to follow up on its efforts to deal with quality-of-life, social and humanitarian issues with regard to Palestinians living both inside and outside refugee camps in Lebanon, with all the legal facilitation and concrete follow-up on the part of the international community that this entails, and to shoulder its responsibility to ensure a decent and honourable life for Palestinians until such time as they return to their homes.
- Based on the decision of the Council of Ministers with respect to the issue of Palestinian refugees in Lebanon and in compliance therewith, to disarm Palestinians outside the camps within a six-month period and to deal with the problem of arms inside the camps, while stressing the responsibility and commitment of the Lebanese State to protect the Palestinian camps from any aggression, the conferees committed to concrete action to implement the above and supported the Government's efforts to do so through means of dialogue.
- To regard the statement in the Preamble to the Constitution that there shall be "no fragmentation, no partition and no resettlement" as part of the pact of communal existence, about which paragraph (j) of the Preamble to the Constitution states that any authority that contradicts it has no constitutional legitimacy.

3. Lebanese-Syrian relations

In keeping with the statement in the Preamble to the Constitution that Lebanon is free, sovereign, independent and Arab in its identity and affiliation and the confirmation by the Charter of National Reconciliation (the Taif Agreement) of the special relationship between Lebanon and the Syrian Arab Republic that derives its strength from the roots of kinship, history and joint fraternal interests, and affirming the need for coordination and cooperation between the two countries in various areas to achieve the common interests of both with respect to sovereignty and independence, the conferees agreed that the development of these bonds entailed their establishment on the basis of firm and clear principles that would correct any deficiencies that have marred these relations, including:

- To allow neither Lebanon nor the Syrian Arab Republic to pose a threat to the security and safety of the other country or its citizens under any circumstances whatsoever, to require each side to control its borders to this end, and to call on the Lebanese Government to take the necessary measures;
- To establish the principle of non-intervention by either State in the other's internal affairs;
- To establish reciprocal relations between the two States on the basis of mutual trust and respect to be embodied at the earliest possible date in the establishment of embassy-level diplomatic relations between the Syrian Arab Republic and Lebanon;
- To activate and support the joint committee to close the file on missing persons and detainees in the two countries with all possible speed.

4. The Shebaa farmlands

The interlocutors agreed on the Lebanese identity of the Shebaa farmlands, and affirmed their support for all contacts being made by the Government to establish the Lebanese identity of the Shabaa farmlands and the Kafr Shuba hills and to determine their borders in accordance with procedures and principles approved and accepted by the United Nations.

5. The presidency of the Republic

The interlocutors agreed on the need for discussion of this subject in order to deal with the crisis of the current Government.

6. Arms of the resistance

The issue of arms of the resistance is also still under discussion.

Annex II

Letter from current and former members of Parliament to Speaker Berri

(20 February 2006)

[Original: Arabic]

Beirut, 20 February 2006

His Excellency the Speaker of the Parliament, the Honourable Mr. Nabih Berri,

Salutations,

The undersigned current and former members of Parliament have the honour to inform you of the following:

In view of the fact that we were subjected to pressures and threats from the Syrian and Lebanese security services to compel us to ratify the draft law extending the term of the President of the Republic, Emil Lahoud,

And in view of the fact that our vote was thus tarnished by a basic lack of free will that renders not only it but the entire voting process with respect to the constitutional amendment extending the term of the President of the Republic null and void,

We officially inform you by this letter that we were opposed to the draft law extending the term of the President of the Republic Emil Lahoud, which was passed by Parliament on 3 September 2004, and that we were subjected to unbearable pressures and threats to induce us to agree to it under duress. This renders our vote null and void, as if it had never taken place, and consequently invalidates Law No. 585/2004 of 4 September 2004 by virtue of it not having received the constitutionally mandated two-thirds majority vote. We request that Your Excellency take our position into consideration and take the necessary constitutional measures to deal with the invalid outcome resulting from it.

With respect,

(Signed)[a]

Mohammed Ali **Al-Mayss**
Walid **Eido**
Michel **Faraon**
Nicolas **Fattoush**
Nabil **de Freige**
Yeghya **Gergian**
Bahia **Hariri**
Ghenwa **Jalloul**
Mohammed **Kabbani**
Hagob **Kassargian**
Atef **Majdalani**
Farid **Makari**
Jean **Ogassapian**
Serj Tor **Sarkissian**

[a] Names are copied from the unofficial English translation.

Annex III

Minutes of the meeting of the joint Lebanese-Syrian military commission

(9 May 2005)

[Original: Arabic]

Pursuant to the instructions of the military leadership of the Syrian Arab Army and the Lebanese Army, a commission has been formed to determine if units of the Syrian Arab Army are stationed within the political boundaries of the Lebanese Republic in the Deir Al-Ashayr area. Following a field survey of the area by the commission, it became clear that there was a discrepancy between the two countries' topographic maps. Joint Lebanese-Syrian boundary commissions had been previously formed, including members from the foreign and justice ministries of the two countries, along with technical experts, but had not completed their work at the time.

The Syrian and Lebanese sides proposed that these commissions be reactivated in order to eliminate the discrepancy between the official borders on the two countries' maps and that the borders then be unambiguously demarcated and committed to.

The minutes were signed on 9 May 2005.

For the Lebanese side:

(*Signed*) Brigadier General Saleh **Suleiman**
(On the basis that political boundaries are
in themselves international boundaries)

For the Syrian side:

(*Signed*) General Adeeb 'Ali **Qasim**

United Nations S/2006/249

Security Council

Distr.: General
19 April 2006

Original: English

Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1634 (2005) of 28 October 2005, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2006. The report covers developments since the issuance of my report dated 13 October 2005 (S/2005/648).

II. Recent developments in Western Sahara

2. On 6 November 2005, a ceremony was held in Laayoune to mark the thirtieth anniversary of Morocco's "Green March" into Western Sahara. From 24 to 28 February 2006, the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario) held celebrations to mark the thirtieth anniversary of the "Saharan Arab Democratic Republic" in Tindouf, Algeria, and Tifariti, Western Sahara, about 70 kilometres east of the berm. On 20 March 2006, King Mohammed VI arrived in Laayoune for a five-day visit to Western Sahara. He announced the appointment of a new President and other high-level officials to the Royal Advisory Council for Saharan Affairs, in an effort to revive the body, which comprises traditional leaders (sheikhs), civil society representatives and elected members.

3. During the period under review, several demonstrations calling for the self-determination of the people of Western Sahara and respect for their human rights were organized in Laayoune and other main towns in the Territory. The demonstrations led to violent confrontations between the participants and the Moroccan security forces, resulting in arrests and detentions. Tensions were particularly acute in late October, following the death of a young Saharan demonstrator as a result of injuries incurred during a protest held in Laayoune on 29 October 2005. Moroccan authorities subsequently ordered the arrest and detention of two police officers involved in the incident, pending the completion of a judicial inquiry into the circumstances of the demonstrator's death. In response to the demonstrations, the presence of Moroccan security and police forces increased in all the main towns in Western Sahara, and in December, army troops were deployed in the Territory, for the first time since 1999. In letters addressed to me on 17 November 2005, 14 and 20 December 2005 respectively, the Secretary General

06-31051 (E) 200406

of the Frente Polisario, Mohamed Abdelaziz, called upon the United Nations to intervene to protect the Saharan citizens and guarantee their human rights, condemned the intervention of the Moroccan police and military in the demonstrations and warned that the deployment of Moroccan military officers to Western Sahara constituted a dangerous development that could lead to additional incidents, including "deadly confrontations" between Moroccan and Saharan civilians.

4. On 25 March 2006, the King of Morocco granted pardons to 216 prisoners, including 30 Saharan activists. Pro-Saharan demonstrations were organized in Laayoune, Boujdour, Dakhla and Smara to welcome the release of the Saharan activists and demand the release of 37 more Saharan political prisoners. According to various media reports, Moroccan security forces intervened to disperse the demonstrators, leading to a number of arrests. On 28 March, Mr. Abdelaziz again wrote to me, expressing concern about the human rights abuses perpetrated by the Moroccan security forces in connection with the recent demonstrations, in particular in Smara, where several persons had been reportedly detained and some, including women, had been injured on 26 March. Subsequently, Mr. Abdelaziz travelled to New York where he met with me at United Nations Headquarters on 3 April to express concern about the current situation in the Territory.

III. Activities of my Personal Envoy

5. Following preliminary discussions in New York with the representatives of the two parties, the Government of Morocco and the Frente Polisario, and the representatives of the neighbouring countries, Algeria and Mauritania, my Personal Envoy, Peter van Walsum, undertook an exploratory mission to the region from 11 to 17 October. On arrival in Rabat on 11 October, Mr. van Walsum and his delegation were joined by Francesco Bastagli, my Special Representative for Western Sahara. In Casablanca, Morocco, Mr. van Walsum was received by King Mohammed VI. In Rabat, he met with the Prime Minister, Driss Jettou, and the Minister for Foreign Affairs and Cooperation, Mohamed Benaissa, the Minister of the Interior, Moustafa Sahel, the Minister Delegate for Foreign Affairs and Cooperation, Taieb Fassi Fihri, the Moroccan Coordinator with MINURSO, Hamid Chabar, and other senior government officials. In the Tindouf area, where he arrived on 14 October, my Personal Envoy met with Mr. Abdelaziz, as well as with the Frente Polisario Coordinator with MINURSO, M'Hamed Khadad, other senior Frente Polisario officials and sheikhs. In Algiers, where he arrived on 15 October, my Personal Envoy was received by the President of Algeria, Abdelaziz Bouteflika, and met with the Minister for Foreign Affairs, Mohammed Bedjaoui, the Minister of State for African Affairs, Abdelkader Messahel, and other senior government officials. In Nouakchott, on 17 October, Mr. van Walsum was received by the President of the Military Council for Justice and Democracy, Head of State, Colonel Ely Ould Mohamed Vall, and met with the Prime Minister, Sidi Mohamed Ould Boubacar, the Minister for Foreign Affairs, Ahmed Ould Sid'Ahmed, and other senior government officials.

6. Subsequent to his exploratory visit to the region, my Personal Envoy informed me that the question was still at an impasse and that there continued to be a total lack of agreement on how to enable the people of Western Sahara to exercise their right to self-determination. Morocco had reiterated that it would not accept a

referendum that would include the option of independence. It strongly advocated negotiations, with a view to achieving a just, lasting and mutually acceptable political solution but made it clear that these would have to be about the autonomy status of Western Sahara. The position of the Frente Polisario, with the general support of Algeria, was that the only way forward was to implement either the Peace Plan for the Self-Determination of the People of Western Sahara or the Settlement Plan. Both had been approved or supported by the Security Council and both provided for self-determination through a referendum, with independence as one of the options. Any other course would not be acceptable to the Frente Polisario. Mauritania had reiterated its strict neutrality.

7. During meetings in Rabat, Tindouf, Algiers and Nouakchott, all officials confirmed to my Personal Envoy their commitment to cooperate with the United Nations in order to reach a solution to the Western Sahara issue as soon as possible, as a prerequisite for the stability and development of the region. On his return from the region, my Personal Envoy held consultations with the authorities of Spain, France and the United States of America in Madrid, Paris and Washington, D.C. on 18, 19 and 25 October, respectively.

8. In accordance with paragraph 4 of Security Council resolution 1634 (2005), my Personal Envoy briefed the Security Council on 18 January 2006 on the progress of his efforts. The elements of that briefing, and the reactions to it, as expressed during the subsequent meetings my Personal Envoy had with the parties and representatives of the neighbouring countries, are contained in section VII of the present report.

9. During the month of February 2006, my Personal Envoy held a series of consultations with the authorities of the United Kingdom of Great Britain and Northern Ireland, Spain, France and the United States authorities in London, Madrid, Paris and Washington, D.C., respectively, as well as with the Chairperson of the Commission of the African Union in Addis Ababa, Alpha Oumar Konare, and senior authorities of the European Union in Brussels. He perceived a consensus within the international community on the need to reach a solution to the Western Sahara issue as soon as possible in order to enable the people of Western Sahara to exercise their right to self-determination.

IV. Activities on the ground

A. Military

10. As at 15 March, the military component of MINURSO stood at 223 personnel, including administrative clerks and a medical unit, against the authorized strength of 231. The military component continued to actively monitor the ceasefire, which has been in effect since 6 September 1991.

11. During the reporting period, MINURSO performed 3,729 ground patrols and 157 air patrols to visit and inspect units of the Royal Moroccan Army and the military forces of the Frente Polisario, in accordance with military agreement No. 1 concluded between the Royal Moroccan Army and MINURSO on the one hand, and the Frente Polisario military forces and MINURSO on the other. Night operations were introduced in October (see S/2005/648, para. 20), in accordance with the new

concept of operations, which came into effect on 1 October. At the same time, MINURSO has proposed to the parties the establishment of a joint military verification commission, including representatives from both sides and MINURSO, to allow for the exchange of information and transparency in the implementation of the ceasefire. The revised focus of operations has resulted in a 25 per cent increase in the number of ground patrols compared to the previous reporting period.

12. Violations by both parties have decreased since the previous reporting period (S/2005/648, para. 8). Furthermore, the Frente Polisario lifted the restrictions on the movement of United Nations military observers, which had been in place for several years, allowing access to its military units for inspection purposes. From 14 October to 15 March, MINURSO observed eight new violations by the Royal Moroccan Army and four new violations by the military forces of the Frente Polisario, reflecting a decrease of almost 50 per cent in the overall number of violations compared to the previous reporting period. The violations included continued incursions into the buffer strip by armed elements from both sides, construction of new physical structures and movement of weapons and military units without prior notification or approval by MINURSO. MINURSO reported that the concentration of military forces of the Frente Polisario during the military parade held in Tifariti on 27 February included about 2,600 troops, 150 camels and 40 armoured personnel carriers, and hence constituted a violation of military agreement No. 1.

13. However, MINURSO continued to observe long-standing violations by both parties. These included the presence of radar equipment and improvement of the defence infrastructure, including expansions of the berm, by the Royal Moroccan Army, and the continued deployment of military personnel and infrastructure improvements by the Frente Polisario in the area known as the "Spanish Fort", as described in my report to the Security Council (S/2005/49, para. 6). Close liaison with the parties led to defused tensions on the eve of the Frente Polisario celebrations of the thirtieth anniversary of the "Saharawi Arab Democratic Republic" and planned civilian demonstrations at the berm were not held.

14. With regard to military agreements No. 2 and No. 3, the parties continued to extend cooperation to MINURSO in the marking and disposal of mines and unexploded ordnance. During the period under review, MINURSO discovered and marked 29 mines and pieces of unexploded ordnance and monitored the destruction of 3,381 such devices. In cooperation with the United Nations Mine Action Service, the parties and non-governmental organizations, the Mission also organized activities to clear mines and unexploded ordnance and to raise awareness of the issue among the population in the Territory, where weather conditions often cause mines and tracks to shift, making previously safe areas dangerous. On 3 November, the Frente Polisario signed the Geneva Call's "Deed of commitment" for non-State actors, banning the use of anti-personnel mines and committing to the destruction of current stockpiles. On 27 February, the Frente Polisario proceeded to destroy 3,100 anti-personnel mines and an anti-tank mine near Tifariti; MINURSO monitored the operation.

B. Prisoners of war, other detainees and persons unaccounted for

15. The International Committee of the Red Cross continues to work with the parties in accounting for those who are still missing in relation to the conflict.

C. Assistance to Western Saharan refugees

16. Following a joint decision by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) to reduce the number of assisted beneficiaries from 158,000 to 90,000 (see S/2005/648, para. 11), representatives of UNHCR and WFP met with senior officials of the Government of Algeria and the Frente Polisario from 14 to 19 February to review the issue of the number of refugees requiring assistance. Discussions on these issues are ongoing. On 18 and 19 March, UNHCR and WFP jointly led a donor mission to the Tindouf area to enable donors to become acquainted with relief activities in the refugee camps. The Mission contributed to raising donor awareness of the precarious humanitarian situation in the Tindouf area refugee camps, where supplies of wheat flour and sugar are expected to be exhausted by the end of April.

17. From 9 to 11 February, four refugee settlements in the Tindouf area were affected by heavy rainfall and flash floods, which caused severe damage to the already fragile infrastructure of the camps. Between 50,000 and 60,000 refugees were left homeless after their shelters, made of mud bricks, failed to withstand the flooding. Schools and dispensaries were also severely damaged. The Office of the United Nations High Commissioner for Refugees, WFP and the Algerian Red Crescent immediately put into place an emergency response mechanism to address the crisis, while Algeria dispatched a humanitarian convoy to bring relief to the Saharan refugees. In the early stages of the emergency response, MINURSO assisted through the provision of water tanks, as well as in the distribution and overall coordination of assistance. I commend the rapid and effective response of the Government of Algeria and the refugee community itself in dealing with the short-term effects of the crisis. I am also grateful for the generous support provided by various donor countries to fund the delivery of emergency assistance to the affected population. However, while access to basic services has now been restored, assessment of the damage caused and rehabilitation required is still ongoing. It is currently estimated that in addition to a critical shortage of adequate shelter, the food situation in the camps has been adversely affected. I therefore call upon donors to continue to contribute generously to assistance programmes targeting Saharan refugees affected by the recent crisis.

D. Confidence-building measures

18. I am pleased to report that on 25 November, after an eleven-month hiatus, UNHCR and MINURSO were able to resume the programme of exchange of family visits between the Territory and the refugee camps in the Tindouf area. In accordance with the plan of action, MINURSO provides assistance and logistical support to UNHCR, which retains overall responsibility for the implementation of the programme and the protection of beneficiaries. As at 15 March, some 610 persons had taken the weekly United Nations flights to and from the Territory and the Tindouf area refugee camps, bringing the total number of beneficiaries since the start of the programme to 2,086. Over 17,000 candidates (about 6,000 in the Territory and some 11,000 in the camps) are currently on the waiting list to participate in the programme, while Saharans on both sides of the berm have requested that the lists be reopened to enable additional candidates to register, reflecting their high level of interest in the programme. The Office of the United

Nations High Commissioner for Refugees and my Special Representative for Western Sahara are exploring with the parties the possibility of expanding the programme to increase the number of beneficiaries. However, any expansion of the programme to increase the number of family visits or register additional candidates would require more than the estimated $3.6 million requested for the 2006 programme. I urge donors to contribute generously to this important humanitarian initiative, which is highly valued by its beneficiaries and fosters solidarity and mutual understanding among Saharans.

19. It will be recalled that the Mission's support for the exchange of family visits programme included the deployment of civilian police officers who escort the participants in the programme on United Nations flights across the berm and monitor and facilitate the airport procedures at the arrival and departure points.

20. The telephone service between the Tindouf area camps and the Territory continued to operate successfully during the reporting period. Since its establishment, over 43,700 calls have been made from the camps, enabling refugees to communicate with their relatives in the Territory. As previously reported, UNHCR remains ready to implement the postal service, in accordance with the modalities initially proposed or under any terms that would meet with the approval of all concerned.

E. Illegal migrants

21. During the reporting period, MINURSO was again called upon to assist in responding to the humanitarian plight of migrants stranded in the Western Saharan desert. From 12 to 16 October 2005, following reports from UNHCR and several non-governmental organizations operating in the Territory that a number of sub-Saharan migrants had been stranded in the desert, MINURSO organized ground and air patrols to help locate them. As of 17 October, a total of 115 migrants had been found; all were in poor physical condition owing to lack of food and water for several days and some were injured. The migrants alleged that they had been stranded in the desert after having been forced across the berm into the buffer strip. Acting on a purely humanitarian basis, MINURSO assisted them through the provision of water, food and emergency medical aid before transferring them to the care of the Frente Polisario. By the end of November, 154 illegal migrants, primarily from sub-Saharan Africa, had arrived at Bir Lahlou, Mehaires and Agwanit, where they were provided with shelter under the care of the Frente Polisario. In December, 93 of the migrants voluntarily left Frente Polisario premises by their own means, leaving a total of 61 migrants in the Territory. On 23 February, MINURSO facilitated the transfer of 26 of them from Bir Lahlou through Mijek to Zouerate, Mauritania, where they were received by UNHCR, following the Government of Mauritania's agreement to grant them temporary asylum, pending a solution to their situation. As at 12 April, 35 migrants, mainly from Cameroon and Ghana, continued to be provided with shelter in Bir Lahlou under the care of the Frente Polisario.

22. On 31 December 2005, a group of 17 West African migrants arrived at the MINURSO team site at Agwanit, seeking the Mission's assistance. MINURSO facilitated their transport to the Mauritanian border, from where they were repatriated. The group of 46 illegal migrants from Bangladesh, referred to in my

previous report (S/2005/648, para. 17), increased to 48 during the reporting period, with the arrival of two additional migrants of the same nationality. On 14 January, the group, which had been under the care of the Frente Polisario in the Tifariti area, were transported, with MINURSO's logistical assistance, to the border with Mauritania, where they were handed over to the International Organization for Migration (IOM) for voluntary repatriation.

23. While MINURSO continued to provide emergency assistance to stranded migrants and to contribute to repatriation operations, its capacity to assist stranded migrants remained limited. The increased presence of stranded migrants in the Territory placed heavier demands on the available resources of MINURSO, and increasingly impacted on the discharge of its core mandate. Since MINURSO is not able to assume ongoing responsibility to respond to the immediate requirements of stranded migrants, it has pursued contacts with humanitarian partners, which have the necessary mandate, expertise and resources, in an effort to develop a coordinated inter-agency response to the problem. Important progress was made in that regard at various meetings held in Geneva, with UNHCR, IOM and the United Nations Office for the Coordination of Humanitarian Affairs, at the initiative of MINURSO on 23 and 24 February.

F. Restructuring of the Mission

24. Further to the recommendations developed following the review of the Mission's civilian and military components (see S/2005/648, paras. 19-21), significant progress was achieved during the reporting period towards the restructuring of MINURSO. The establishment of a joint operations centre and a joint mission analysis cell have enhanced integration of the Mission's civilian and military activities, as well as improved data collection and information management. The joint operations centre has contributed to improved operational management to ensure full compliance with the Mission's military objectives. Through its subsidiary units — the information collection cell and the information analysis cell — the joint mission analysis cell manages the collection, storage and analysis of data on issues of relevance to the implementation of the mandate of MINURSO. The joint mission analysis cell has thus gradually developed into an effective instrument for the strategic management and decision-making of MINURSO. From 20 to 22 December, a MINURSO delegation travelled to Abidjan to share experiences and lessons learned from the joint mission analysis cell with staff of the United Nations Operation in Côte d'Ivoire.

25. As referred to in my previous report (S/2005/648, para. 20), measures were implemented to strengthen, from within existing resources, the capacity of the Mission's military component to monitor the ceasefire and the military agreements. In this context, the closure of the two sector headquarters on 31 October and the subsequent redeployment of their military personnel to nine observer team sites have enabled MINURSO to expand its ceasefire monitoring activities through a strengthened presence on the ground. Meanwhile, the introduction of night operations in October has allowed for more comprehensive monitoring of the parties' military activities, which is proving an effective deterrent to violations of military agreement No. 1. In addition, a hierarchical contact system between MINURSO and the parties' command structures was introduced to facilitate relations with the parties at all levels, in particular when tensions might develop.

26. In order to bring MINURSO in line with current peacekeeping practices, a geographic information system (GIS) cell was established. When the necessary equipment is purchased from within the Mission's current budget, MINURSO will have the capacity to produce its own topographical maps, which will replace the outdated aerial maps that are presently relied upon for operational and planning purposes. The initiative will also support the Mission's ongoing efforts to reduce the danger of mines and unexploded ordnance since a GIS system and accurate maps are essential to ensuring the safety of military observers in the parts of the Territory that are infested with mines and unexploded ordnance, as well as serve as a valuable management tool for the realization of other objectives of the Mission.

27. In accordance with current practice, the security adviser now reports directly to my Special Representative, while the functions of air operations and air safety have been separated to ensure compliance with air safety standards. In December, a team from the Department of Safety and Security conducted a security management review of MINURSO, which resulted in a number of recommendations to improve the physical security of the Mission and its security management systems. In line with those recommendations, measures have been implemented to improve the safety and security of MINURSO staff and premises, such as the introduction of an integrated warden system to facilitate expeditious evacuation, as needed. In order to ensure compliance with minimum operating security standards, resources have been allocated for infrastructure improvements to the Mission's headquarters and team sites, including the installation of bomb blast film on all windows, security lighting, boom gates and the construction of security fencing. The Mission is also contemplating the construction of wells in selected team sites, in particular on the east side of the berm, in an effort to improve staff comfort and security. Some security improvements require prior approval from local authorities.

28. Within the framework of the restructuring of the civilian and administrative components, selected support and maintenance functions are being outsourced, which, together with the staff reductions indicated in my previous report (S/2005/648, para. 21) and other cost-cutting measures, will bring about overall savings for the Mission. In the area of training, a Mission-wide integrated induction programme was launched in February to give all military, civilian and locally recruited personnel a comprehensive introduction to MINURSO and the United Nations. The programme is complemented by specific induction briefings tailored to the function of each recruit.

V. African Union

29. During the reporting period, the observer delegation of the African Union to MINURSO, led by its Senior Representative, Yilma Tadesse (Ethiopia), continued to provide support and cooperation to the Mission. I wish to reiterate my appreciation to the African Union for its contribution.

VI. Financial aspects

30. The General Assembly, by its resolution 59/308, appropriated the amount of $47,948,400, equivalent to $3,995,700 per month, for the Special Account for MINURSO for the period from 1 July 2005 to 30 June 2006. Should the Security

Council decide to extend the mandate of MINURSO beyond 30 April 2006, the cost of maintaining the Mission until 30 June 2006 would be limited to the amounts approved by the Assembly. As at 31 December 2005, unpaid assessed contributions to the Special Account for MINURSO amounted to $62.8 million. As a consequence of this, the Organization has not been in a position to reimburse the troop-contributing Governments for any costs incurred since April 2002. The total outstanding assessed contributions for all peacekeeping operations as at 31 December 2005 amounted to $2,918.8 million.

VII. Observations and recommendations

31. In his briefing of 18 January 2006 to the Security Council, my Personal Envoy pointed out that after April 2004, when Morocco had rejected the Peace Plan because it could not accept a referendum that included independence as an option, the Plan had never been mentioned again in a Security Council resolution. Nor had any country with close ties to Morocco apparently used its influence to try to persuade Morocco to reconsider its position. My Personal Envoy concluded from this that the Security Council was firm in its opinion that it could only contemplate a consensual solution to the question of Western Sahara. In this context, he did not see how he could draft a new plan that would replace the Peace Plan. A new plan would be doomed from the outset to be rejected by Morocco unless it excluded the provision for a referendum with independence as an option. He could not envisage such a plan. The United Nations could not endorse a plan that excluded a genuine referendum while claiming to provide for the self-determination of the people of Western Sahara.

32. My Personal Envoy considered, however, that what was unthinkable in a plan endorsed or approved by the Security Council might not be beyond the reach of direct negotiations. Once the Security Council recognized the political reality that no one was going to force Morocco to give up its claim of sovereignty over Western Sahara, it would realize that there were only two options left: indefinite prolongation of the current deadlock in anticipation of a different political reality; or direct negotiations between the parties.

33. The first option was dismissed by my Personal Envoy, who called a continuation of the current impasse a recipe for violence. Violence would not lead to an independent Western Sahara but would more likely condemn another generation of Western Saharans to growing up in the camps of Tindouf.

34. What remained therefore was a recourse to direct negotiations, which should be held without preconditions. Their objective should be to accomplish what no "plan" could, namely to work out a compromise between international legality and political reality that would produce a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara.

35. After years of reliance on United Nations-sponsored plans, it should be made clear to the parties that the United Nations was taking a step back and that the responsibility now rested with them. This did not mean that the parties would henceforth be on their own. My Personal Envoy believed that there was a consensus in the Council that any solution to the problem of Western Sahara had to be found in the framework, or under the auspices, of the United Nations.

36. My Personal Envoy urged the Council to invite Algeria to participate in the negotiations. He also called on those members of the Council who had been supporting the position of Morocco, to do all in their power to make the negotiations succeed.

37. In the bilateral consultations my Personal Envoy held after his briefing, the Frente Polisario reiterated that it would under no circumstances negotiate about any kind of autonomy under Moroccan sovereignty. My Personal Envoy clarified that in his briefing he had spoken of negotiations without preconditions, with a view to achieving a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara. The Security Council would not be able to invite parties to negotiate about Western Saharan autonomy under Moroccan sovereignty, for such wording would imply recognition of Moroccan sovereignty over Western Sahara, which was out of the question as long as no States Member of the United Nations had recognized that sovereignty. Negotiating without preconditions meant, as my Personal Envoy had pointed out in his briefing, that there would not be a precondition that the Frente Polisario first recognize Morocco's sovereignty over Western Sahara and then discuss the autonomy to be "granted" by Morocco.

38. My Personal Envoy recalled, as he had done in his briefing, the advisory opinion of the International Court of Justice of 16 October 1975, which concluded that there were no valid reasons as to why the rules for decolonization and self-determination, as contained in General Assembly resolution 1514 (XV), should not apply to Western Sahara. In this context, he observed that the advisory opinion had been handed down more than 30 years ago and that the resolution had still not been implemented. In reference to that inordinate lapse of time, my Personal Envoy observed that a solution for the question of Western Sahara could only be achieved if the parties worked to seek a mutually acceptable compromise based upon relevant principles of international law and current political realities. In the view of my Personal Envoy, the parties could work out such a compromise if they engaged in a constructive dialogue with each other on that basis.

39. The main obstacle, however, may not exist only in the positions adopted by the parties. Since his briefing of 18 January 2006, my Personal Envoy has become even more conscious of the forces outside the region that militate against the option for negotiations. It goes without saying that no country will state, or admit, that it favours a continuation of the impasse. But there seem to be two factors at play in most capitals: (a) Western Sahara is not high on the local political agenda; and (b) great store is set by continuing good relations with both Morocco and Algeria. These two factors combined constitute a powerful temptation to acquiesce to the continuation of the impasse, at least for another number of years. As long as Western Sahara does not advance on their political agendas, many countries will find the status quo to be more tolerable than any of the possible solutions.

40. I concur with the view of my Personal Envoy that the Security Council cannot afford to adopt such an attitude. It cannot wait for the question of Western Sahara to deteriorate from being a source of potential instability in the region to becoming a threat to international peace and security. Instead, both the Council and its individual member States should now rise to the occasion and do all in their power to help negotiations get off the ground. The objective of those negotiations between Morocco and the Frente Polisario as parties, and Algeria and Mauritania as

neighbouring countries, must be a just, lasting and mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara.

41. It is my view that a prolongation of the current deadlock might lead to a deterioration of the situation in Western Sahara, as signalled by continued demonstrations and allegations of human rights abuses. I am concerned, in particular, about reports of heavy-handed responses to the recent demonstrations in the Territory, including the arrest and detention of several individuals. International and local observers, as well as defence counsel were allowed to attend trials; however, concerns regarding respect for fair trial standards were raised. In this respect, I would like to reiterate that although MINURSO does not have the mandate or resources to address this issue, the United Nations remains committed to upholding international human rights standards. It is in this context that the Office of the High Commissioner for Human Rights proposed last year to the parties to deploy a mission to Western Sahara and the Tindouf camps, as well as to Algeria, as the country of asylum. The mission would gather information on the human rights situation concerning the question of Western Sahara and propose measures through which the United Nations might be able to better assist in addressing human rights concerns. All concerned have now accepted the proposal, and following further consultations on the dates, Morocco has indicated that it would be prepared to receive the mission around 15 May 2006.

42. I welcome the reduction in the number of violations by the parties to military agreement No. 1. However, while the introduction of the new concept of operations has considerably enhanced the Mission's capability to monitor compliance with the agreement, with a consequent impact on the overall number of violations by the parties, it remains the responsibility of the parties to ensure that violations are not committed by their military/security forces. In this regard, I would encourage the parties to cooperate with MINURSO on a review of existing military agreements in order to better respond to evolving realities on the ground and clarify any issues that may be subject to different interpretations. As previously noted (S/2005/648, para. 25), any amendments to the agreements would have to be consistent with the principle that military and security forces should maintain the status quo during the ceasefire and should extend full freedom of movement to MINURSO military observers, in accordance with basic peacekeeping principles. The latter should include the freedom to inspect the military units, headquarters and installations of the parties in the Territory.

43. I remain concerned by the potential dangers for civilian demonstrators coming close to or within the buffer strip and restricted areas around the berm. Sufficient advance notification of such demonstrations should be given to MINURSO to enable the Mission to assist in averting the possibility of potentially serious injuries, and to make sure that United Nations observers reach the location of the demonstrations in a timely manner to verify allegations of violations of military agreement No. 1 by either side. Meanwhile, I commend the initiative of Frente Polisario to destroy a large portion of its stockpile of anti-personnel mines and call on both parties to undertake similar efforts, with the assistance of MINURSO.

44. The human dimension of the conflict, including the plight of the Western Saharan refugees, is a growing concern. In this context, I welcome the resumption of the exchange of family visits between the Territory and the refugee camps in the Tindouf area. Building on the success of these visits, I would encourage all parties

concerned to explore the possibility of increasing the number of beneficiaries of this humanitarian programme. I also look forward to the implementation of other confidence-building measures, in particular the organization of seminars on non-political topics involving members of civil society in both the Territory and the refugee camps in the Tindouf area. Further, I would like to commend the Mission's involvement in the provision of short-term humanitarian assistance to stranded migrants on the east side of the berm. While such activities lie beyond the mandate of MINURSO, the Mission cannot ignore the urgent humanitarian needs of the migrants, in particular in the absence of any humanitarian actors who are able to provide emergency relief. Meanwhile, I welcome the Mission's efforts to engage with humanitarian partners who have the competence and capability to provide more sustained support. I believe that the understanding reached in Geneva between MINURSO, UNHCR and IOM will not only facilitate a coordinated response to this problem but may also set a positive precedent for inter-agency cooperation in addressing the challenges posed by migration flows elsewhere in the world.

45. In view of the prevailing situation on the ground and my Personal Envoy's ongoing efforts, I believe that MINURSO continues to play a key stabilizing and ceasefire monitoring role. I would therefore like to recommend that the mandate of MINURSO be extended for a further period of six months, until 31 October 2006. I sincerely hope that during this time the parties will reflect on the prolonged period that has elapsed since the start of this conflict and on the need for both to take actions that may lead to a just, lasting and mutually acceptable solution.

46. In conclusion, I would like to express appreciation to my Personal Envoy, Peter van Walsum, for his efforts in search of a solution to the question of Western Sahara, as well as to my Special Representative, Francesco Bastagli, and the men and women of MINURSO, who continue to work tirelessly under difficult conditions in the discharge of the Mission's mandate.

Annex

United Nations Mission for the Referendum in Western Sahara: contributions as at 7 April 2006

Country	*Military Observers*[a]	*Troops*[a]	*Civilian police*[b]	*Total*
Argentina	1	0	0	1
Austria	2	0	0	2
Bangladesh	8	0	0	8
China	19	0	0	19
Croatia	2	0	0	2
Denmark	1	0	0	1
Egypt	19	0	2	21
El Salvador	3	0	4	7
France	21	0	0	21
Ghana	6	7	0	13
Greece	1	0	0	1
Guinea	5	0	0	5
Honduras	13	0	0	13
Hungary	7	0	0	7
Ireland	4	0	0	4
Italy	5	0	0	5
Kenya	9	0	0	9
Malaysia	14	0	0	14
Mongolia	3	0	0	3
Nigeria	7	0	0	7
Pakistan	8	0	0	8
Poland	1	0	0	1
Republic of Korea	0	20	0	20
Russian Federation	25	0	0	25
Sri Lanka	2	0	0	2
Uruguay	7	0	0	7
Total	**193**	**27**	**6**	**226**

[a] Authorized strength of military personnel is 231.
[b] Authorized strength is 6.